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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANSEN, MICHAEL R

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,574

Applicant(s)

MAGER ET AL.

Examiner

Michael R Mansen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5-1-2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because the "device 33" on page 11, line 37 and the "motion N" on page 4, line 1 of the amendment of May 1, 2002 are not shown in Figures.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motion of the yarn guide "so that a resulting motion is parallel to the generatrix (L1) of the main body" in claim 8, lines 2-4 and the "mechanical guiding means" in claim 10, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-13 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 8, lines 1-4, "the yarn guide...the main body" is vague and indefinite. The motion of the yarn guide in a "coplanar motion perpendicular to the axis" is contradictory to the limitations in claim 1, lines 3-5, wherein the yarn guide "moves in a backward and forward motion parallel to the axis of the support". How does claim 8 relate to the method of claim 1?

With respect to claim 10, line 2, "mechanical guide means" is vague and indefinite. What disclosed structure is being referred to by the guide means being claimed? What are the equivalents of the guide means?

With respect to claims 11-13, line 2, "can be varied" is vague and indefinite. What method steps are being claimed? Are applicants claiming a step of varying the rotation of the cam or the spindle or speed of movement of the yarn guide or not?

With respect to claims 15 and 16, line 1, "a frustoconical bobbin obtained by the method according to claim 1" is vague and indefinite. What bobbin structure is being claimed? Applicants should rewrite the claims in independent form? How do claims 15 and 16 further restrict and define the method of claim 1?

With respect to claim 15, line 2, "an angle of inclination" is vague and indefinite. How does this angle relate to the "generatrix" or the "acute angle" set forth in claim 1?

With respect to claim 16, line 2, "the angle of inclination" is vague and indefinite and has no antecedent basis. How does this angle relate to the "generatrix" or the "acute angle" set forth in claim 1?

With respect to claim 17, lines 1-2, "the yarn has a waviness" is vague and indefinite. What yarn structure is being claimed? The examiner is unaware of any class yarns that inherently have a "waviness" characteristic. What bobbin structure is being claimed?

With respect to claim 20, lines 1-4, "the yarn is...a yarn guide" is vague and indefinite. What method steps are being claimed? How does the structure of the yarn further define the method being claimed? Applicants should clearly state what method steps are being claimed to produce the glass yarn?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (JP 3-33229).

Ishii et al. disclose a method (See Figures 1 and 2) of winding a yarn onto a cylindrical support that is fastened to a not shown spindle driven in a rotational movement, in which a yarn is wound by running over a yarn guide to produce a yarn bobbin having a base cone (12), a main body having a frustoconical shape and an unwind cone (11), wherein the yarn is wound according to a first rule wherein the last layer of yarn deposited according to said first rule going as far as the end (Sur) of the unwind cone (11) and a second rule for terminating the base cone (12) while forming the main body and the unwind cone (11) such that the first layer of yarn deposited according to the second rule is parallel to the last layer of yarn deposited according to the first rule. Further, the base cone (12) having a maximum diameter and the unwind cone (11) have a different maximum diameter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (JP 3-33229) in view of Wiering (U.S. Patent 2,965,322).

Ishii et al., as advanced above, do not disclose a yarn guide that moves concomitantly with a motion parallel to the axis of the cylindrical support and in a direction perpendicular to the axis with a mechanical guiding means having a cam. Wiering teaches a yarn guide traverse guiding means that moves a yarn guide (103) parallel to the generatrix of the main body (114) of the package with a cam (122) to move the yarn guide (103) in a direction both parallel to the cylindrical support and perpendicular to the support axis to provide a more accurate winding processes. It would have been obvious to one of ordinary skill in the art to provide Ishii et al. with a traversing guiding means that travels parallel to the generatrix of the main body of the package to provide a more accurate winding process as taught by Wiering.

With respect to claim 19, Ishii et al. do not disclose the length of the bobbin being between 150 mm and 500 mm. Bobbins having lengths between 150 mm and 500 mm are well known standard size bobbins. It would have been obvious to one of ordinary skill in the art to provide a bobbin having a length of 150 mm to 500 mm to enable the wound bobbin to be unwound on a subsequent machine that requires a standard size bobbin.

Claims 11, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (JP 3-33229) in view of Poulin (FR 2 380 209).

Ishii et al., as advanced above, do not disclose a molten glass yarn being made of a multiplicity of glass filaments having a waviness due to being wound with a cam. Poulin teaches a winding method and bobbin wound therefrom that includes a multifilament glass yarn that is traversed onto a bobbin (12) with a cam (10) that is traversed with mechanism (11) to form a frustoconical bobbin having a base cone, main body and unwind cone. It would have been obvious to one of ordinary skill in the art to provide Ishii et al. with a multifilament glass yarn and a cam traversed with a traverse mechanism to produce a glass yarn wound bobbin where the yarn is unwound without sticking because of the cam and therefore the wavy yarn as taught by Poulin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Mansen whose telephone number is (703) 308-2655. The examiner can normally be reached on 9 hour days with Second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Michael R. Mansen", with a long horizontal flourish extending to the right.

Michael R Mansen
Primary Examiner
Art Unit 3654

mrm
July 8, 2003